

Michael S. Stein, Esq.  
Sean Mack, Esq.  
PASHMAN STEIN, P.C.  
Court Plaza South  
21 Main Street  
Hackensack, New Jersey 07601  
(201) 488-8200

Stephen M. Pesner, Esq.  
David Zensky, Esq.  
Joseph L. Sorkin, Esq.  
Joseph O. Boryshansky, Esq.  
Akin, Gump, Strauss, Hauer & Feld LLP  
590 Madison Avenue, 20th Floor  
New York, New York 10022  
(212) 872-1000

*Attorneys for Defendants Exis Capital Management, Inc., Exis Capital, LLC, Exis Differential Partners, L.P., Exis Integrated Partners, L.P., Adam D. Sender, and Andrew Heller*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

FAIRFAX FINANCIAL HOLDINGS LIMITED, *et*  
*ano.*,

Plaintiffs,

- against -

S.A.C. CAPITAL MANAGEMENT, LLC, *et al.*,

Defendants.

**Civ. Action No. 06-4197 (DMC-MF)**

**AFFIRMATION OF SEAN  
MACK IN SUPPORT OF  
DEFENDANTS' OPPOSITION  
TO MOTION TO REMAND**

I, Sean Mack, hereby affirm under penalty of perjury the following:

1. I am an attorney admitted to practice law in the State of New Jersey and before the bar of this Court. I am employed by the law firm of Pashman Stein, P.C., counsel for

defendants Exis Capital Management, Inc., Exis Capital, LLC, Exis Differential Partners, L.P., Exis Integrated Partners, L.P., Adam D. Sender, and Andrew Heller.

2. I submit this affirmation in support of Defendants' opposition to the motion filed by plaintiffs Fairfax Financial Holdings Limited ("Fairfax") and Crum & Forster Holdings Corporation seeking to remand this action to state court.

3. A true and correct copy of Fairfax's 2005 restated Annual Report (available at <http://www.fairfax.ca/Assets/Downloads/AR2005rs.pdf>) is attached hereto as Exhibit A.

4. A true and correct copy of Fairfax's interim financial report for the nine-months period ending September 30, 2006 (available at <http://www.fairfax.ca/Assets/Downloads/2006Q3.pdf>) is attached hereto as Exhibit B.

5. A true and correct copy of the written testimony of Owen A. Lamont, Professor of Finance at the Yale School of Management, that was submitted to the United States Senate Judiciary Committee on June 28, 2006 (available at [http://judiciary.senate.gov/testimony.cfm?id=1972&wit\\_id=5489](http://judiciary.senate.gov/testimony.cfm?id=1972&wit_id=5489)) is attached hereto as Exhibit C.

6. A true and correct copy of a *New York Times* article by Joe Nocera entitled *Selling Short The Virtues of Short Sellers*, published on February 25, 2006, is attached hereto as Exhibit D.

7. A true and correct copy of the transcript of proceedings, *Roundtable on The Regulation SHO Pilot*, held by the U.S. Securities and Exchange Commission ("SEC") on September 15, 2006, is attached hereto as Exhibit E.

8. A true and correct copy of a press release issued by Fairfax on July 27, 2006 (available at <http://www.fairfax.ca/Assets/Downloads/Press/fpr2006-07-27.pdf>) is attached hereto as Exhibit F.

9. A true and correct copy of Odyssey Re Holding Corporation's Form 8-K filed with the SEC on July 27, 2006 is attached hereto as Exhibit G.

10. A true and correct copy of a *New York Post* article by Roddy Boyd entitled *FBI's Secret Source*, published on September 29, 2006, is attached hereto as Exhibit H.

11. A true and correct copy of Table S-23 to the *2005 Annual Report of the Administrative Office of the United States Courts* (available at <http://www.uscourts.gov/judbus2005/tables/s23.pdf>) is attached hereto as Exhibit I.

12. A true and correct copy of Table C-2A to the *2005 Annual Report of the Administrative Office of the United States Courts* (available at <http://www.uscourts.gov/judbus2005/appendices/c2a.pdf>) is attached hereto as Exhibit J.

Dated: Hackensack, New Jersey  
November 13, 2006

/s/ Sean Mack

SEAN MACK